

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: 1617  
Examiner: WEBMAN, Edward J.

In Re PATENT APPLICATION of

Applicant(s) : Michael B. ZEMEL

Appn. No. : 10/066,057

Filed : January 31, 2002

For : MATERIALS AND METHODS FOR THE TREATMENT OR PREVENTION  
OF OBESITY

Attorney Docket: 31894-192403

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PATENT TRADEMARK OFFICE

Assistant Commissioner for Patents  
Washington, D.C. 20231

TERMINAL DISCLAIMER UNDER 37 CFR 1.321(c)

Sir:

The University of Tennessee Research Foundation, formerly The University of Tennessee Research Corporation, assignee of the entire right, title and interest in the above-identified application by virtue of an Assignment recorded at the United States Patent and Trademark Office at Reel 012601, Frame 0916, on April 19, 2002, hereby disclaims except as provided below the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the earlier of the full statutory term defined in 35 U.S.C. §154 and §156 of U.S. Patent 6,384,087 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and

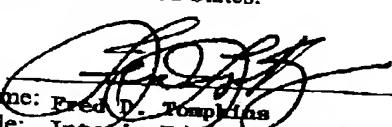
during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent 6,384,087, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the term defined in 35 U.S.C. §154 in the event that U.S. Patent 6,384,087, expires for failure to pay a maintenance fee, is held unenforceable or is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321 (a), has all claims canceled by a reexamination certificate, or is otherwise not deemed to provide the rights conveyed by 35 U.S.C. §154 prior to the expiration of its full statutory term, except for the separation of legal title stated above.

The undersigned is the assignee of the above patent by virtue of an assignment of the parent application recorded in the United States Patent and Trademark Office on October 25, 2000 at Reel 011171, Frame 0089.

Done this 20<sup>th</sup> day of November, 2003 by the undersigned officer of the University of Tennessee Research Foundation, formerly The University of Tennessee Research Corporation, and duly authorized to act for the assignee under the laws of the United States.

#499935

By   
Name: Fred D. Tompkins  
Title: Interim Executive Director

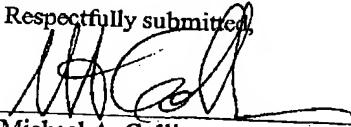
Application No. 10/066,057  
Applicant: Michael B. ZEMEL

3. **Amendment and Response.**

During a telephone conference with Supervisory Examiner Padmanabhan this morning, Applicant's counsel was informed that the U.S. Patent and Trademark Office has no record of having received the December 2, 2003 Amendment and Response. This Resubmission is intended to replace the papers that were apparently misplaced at the Patent and Trademark Office. Accordingly, as advised by Examiner Padmanabhan, no extension fee is due. However, if a fee is determined to be due, please charge the same to our Deposit Account No. 22-0261.

Given that almost three months have passed since the Response was filed, and action on a Response filed after a Final Office Action is generally due within one month, Applicant requests expedited consideration of the Amendment and Response, and early allowance of the application. In the event that Applicant needs to make other submissions requiring extension fees, Applicant will seek a reduction or waiver of such fees at that time, due to the loss of papers at the U.S. Patent and Trademark Office.

Respectfully submitted,

  
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